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CONSTANCE R. WHITE
COUNTY CLERK
NO: 24-2-09413-5

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

JUDITH JOHNSON, an individual,

NO.

Plaintiff,

COMPLAINT FOR UNLAWFUL
DETAINER

vs.

(CITY OF TACOMA)

SURFACE SERVICES, LLC, a
Washington Limited Liability Company,
JOHN HODGES, an individual, ASHLEY
HUNT, an individual, and ALL OTHER
OCCUPANTS at 3002 NORTH
VIEWMONT STREET, TACOMA, WA
98407

Defendants.

COMES NOW, JUDITH JOHNSON, by and through her attorney of record, Martin Burns of Burns Law, PLLC, and pleads for relief against the Defendants, SURFACE SERVICES, LLC, JOHN HODGES, ASHLEY HUNT, and ALL OTHER OCCUPANTS at 3002 NORTH VIEWMONT STREET, TACOMA, WA 98407, as follows:

I. PARTIES

1.1 Plaintiff Judith Johnson owns The real property commonly known as 3002 North Viewmont Street, Tacoma, WA 98407 ("premises"), Pierce County Tax Parcel No. 3065000040, legally described as "Lot 4, Block 1, CLAREMONT AT WESTGAGE

1 DIVISION NO. 1, according to Plat recorded in Volume 21 of Plats, Page 42 and 43, records
2 of Pierce County Auditor."

3 1.2 Defendant Surface Services, LLC previously owned the premises but
4 continues to occupy the same either directly or through third parties.

5 1.3 Defendant Ashley Hunt is believed to have taken occupancy at the premises.

6 1.4 Defendants ALL OTHER OCCUPANTS at 3002 North Viewmont Street,
7 Tacoma, WA 98407, are unknown parties that may have taken possession or occupancy at
8 the premises.
9

10 II. JURISDICTION AND VENUE

11 2.1 This Court has jurisdiction over the parties and the subject matter of this
12 action because the premises is in Pierce County, Washington.

13 2.2 Defendant Surface Services LLC is headquartered in Pierce County.

14 2.3 Jurisdiction and venue are proper in Pierce County, Washington.
15

16 III. FACTS

17 3.1 Plaintiff Judith Johnson purchased the property at a public June 7, 2024
18 trustee's sale, receiving the trustee's deed recorded under Pierce County Auditors File No.
19 202406170132, pursuant to RCW § 61.24 *et. seq.*, following the "Notice of Trustee's Sale"
20 recorded on March 5, 2024, under Pierce County Auditor File No. 202403050238.

21 3.2 RCW 61.24.060(1) provides in pertinent part: "The purchaser at the trustee's
22 sale shall be entitled to possession of the property on the twentieth day following the sale, as
23 against the borrower and grantor under the deed of trust and anyone having an interest junior
24 to the deed of trust, including occupants who are not tenants, who were given all of the
25 notices to which they were entitled under this chapter."
26

1 3.3 Proper notice under RCW 61.24.060(1) was sent to Defendants in the form of
2 the Notice of Trustee's Sale containing the statutorily required notice language and which
3 was sent by first-class and certified mail on or about March 5, 2024. An additional statute-
4 compliant proper notice was sent to all occupants of the premises on June 17, 2024, along
5 with a copy of Plaintiff's Trustee's Deed. A true and correct copy of the Notice of Trustee's
6 Sale and June 17th letter to occupants are attached as **Exhibit 1** and **Exhibit 2**, respectively.

7 3.4 Defendants have not vacated the property and more than 20 days has passed
8 since the trustee's sale.

9 3.5 RCW § 61.24.060(1) further provides, in pertinent part: "The purchaser shall
10 also have a right to the summary proceedings to obtain possession of real property provided
11 in chapter 59.12 RCW."

12 3.6 Plaintiff is entitled to possession of the premises pursuant to RCW § 59.12 *et*.
13 *seq.*, and is in compliance with the requirements of RCW § 61.24.040 and 61.24.060.

14 3.7 Attorneys' fees and costs are available in this action under ¶ 18 of the
15 pertinent deed of trust and ¶ 8 of the underlying promissory note. A true and correct copy of
16 the deed of trust and promissory note are attached as **Exhibit 3** and **Exhibit 4**, respectively.

17 **IV. FIRST CAUSE OF ACTION: UNLAWFUL DETAINER**

18 4.1 Defendants have failed to vacate the described premises within the time
19 required by the notice and thus is unlawfully detaining the same. Plaintiff is damaged due to
20 loss of use and is entitled to a writ of restitution of all Defendants restoring Plaintiff to
21 possession.
22 possession.

23 **V. RELIEF REQUESTED**

24 **WHEREFORE**, Plaintiff prays for judgment as follows:
25
26

1. For restitution of the premises and an order issuing a writ of restitution;
2. For forfeiture of Defendants' tenancy and occupancy, if any;
3. For attorneys' fees and costs pursuant to ¶ 18 of the pertinent Deed of Trust; ¶ 8 of the underlying promissory note, and applicable law;
4. For such other and further relief as the court may deem just and proper.

DATED this 12 day of July, 2024.

BURNS LAW, PLLC


Martin Burns WSBA No. 23412
Attorney for Plaintiff

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